

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GERALD KRUEGER and REBEKAH  
KRUEGER,

Plaintiffs,

v.

R. J. REYNOLDS TOBACCO COMPANY,

Defendant.

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Case No.: 3:05-cv-90-DRH

**ORDER**

This matter is before the Court on the Joint Motion to Amend/Correct Scheduling and Discovery Order filed by the parties on September 14, 2005 (Doc. 34). The Motion is **GRANTED**. On April 18, 2005, District Judge David R. Herndon continued the presumptive trial month to August, 2006. The parties now seek to continue the discovery deadline and the dispositive motion filing deadline and have submitted an Amended Joint Report of Parties (attached hereto). The Amended Joint Report is approved as submitted. The Discovery Deadline is **RESET** to **April 7, 2006** and the Dispositive Motion Filing Deadline is **RESET** to **April 21, 2006**.

**DATED: September 15, 2005**

s/ Donald G. Wilkerson  
**DONALD G. WILKERSON**  
**United States Magistrate Judge**

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
(EAST ST. LOUIS DIVISION)**

GERALD KRUEGER and REBEKAH KRUEGER,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Cause No. 05-90-DRH
	)	
R.J. REYNOLDS TOBACCO COMPANY, a corporation,	)	
	)	
Defendant.	)	

**FIRST SUPPLEMENTAL JOINT REPORT OF PARTIES AND  
PROPOSED SCHEDULING AND DISCOVERY ORDER**

Pursuant to Federal Rule of Civil Procedure 26(f) and SDIL-LR 16.2(a), an initial conference of the parties was held on March 28, 2005, and a subsequent conference on September 9, 2005, with attorneys Donald M. Flack for plaintiffs, and W. Jason Rankin for defendants, participating.

Scheduling and discovery plans were discussed and agreed to as follows:

1. Initial interrogatories and requests to produce, pursuant to Federal Rules of Civil Procedure 33 and 34, shall be served on opposing parties by June 30, 2005.
2. Plaintiffs' deposition shall be taken by October 31, 2005.
3. Defendant's deposition shall be taken by October 31, 2005.
4. Pleadings shall be amended and third party actions commenced by November 7, 2005.

Cross claims and counterclaims shall be filed in accordance with the Federal Rules of Civil Procedure.

5. Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Plaintiffs' expert(s): November 14, 2005

Defendant's expert(s): January 16, 2006

6. Depositions of expert witnesses must be taken by:

Plaintiffs' expert(s): January 16, 2006

Defendant's expert(s): February 24, 2006

7. Plaintiffs' rebuttal expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), by March 3, 2006.

8. Depositions of Plaintiffs' rebuttal expert witnesses must be taken by April 7, 2006.

9. Discovery shall be completed by April 7, 2006 (which due date shall be no later than one hundred fifteen (115) days before the first day of the month of the presumptive trial month). Any written interrogatories or request for production served after the date of the Scheduling and Discovery Order shall be served by a date that allows the served parties the full thirty (30) days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

10. All dispositive motions shall be filed by April 21, 2006 (which date shall be no later than one hundred (100) days before the first day of the month of the presumptive trial month). Dispositive motions filed after this date will not be considered by the Court.

DATED: September 14, 2005

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